

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

CYNTHIA HRICENAK,

Plaintiffs,

v.

MICKEY TRUCK BODIES and KEVIN
TURPIN,

Defendants.

No. 4:21-CV-00694

(Chief Judge Brann)

ORDER

MARCH 10, 2022

In accordance with the accompanying Memorandum Opinion, **IT IS HEREBY ORDERED** that the Defendants' Motion to Dismiss (Doc. 8) is **GRANTED IN PART, DENIED IN PART**:

1. The Defendants' motion to dismiss Counts I and II against Defendant Kevin Turpin is **GRANTED WITH PREJUDICE**. Counts I and II against Defendant Mickey Truck Bodies remain.
2. The Defendants' motion to dismiss Count III against Defendant Turpin is **GRANTED WITHOUT PREJUDICE**. If Plaintiff Cynthia Hricenak elects to plead over, she must file the amended complaint on or before March 31, 2022.
3. The Defendants' motion to dismiss Count III against Defendant Mickey Truck is **DENIED**.

BY THE COURT:

s/ Matthew W. Brann

Matthew W. Brann

Chief United States District Judge